United States District Court

for the

District of Oregon

) Case No.	3:20-cv-01967-SI
Jorge Lucero))	(to be filled in by the Clerk's Office)
Mrite the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)))))	;
United States of Jamerica Lieutenant Eddie Bance Officer Brian Wade)))	,
DR. ANDREW GRASTELL Defendant(s) (Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page))))	
with the full list of names. To not include addresses have		

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor: or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. \mathbf{T}

B.

The Plaintiff(s)	
Provide the information below for eaneeded. Name All other names by which you have been known: ID Number Current Institution Address	Jorge Lucero #59330 - 298 FCI BUHNER MEd-1 P.O. Box 1000 BUHNER N.C. 27509 City: State Zip Code
The Defendant(s)	
individual, a government agency, an listed below are identical to those corthe person's job or title (if known) and	ch defendant named in the complaint. whether the defendant is an organization, or a corporation. Make sure that the defendant(s) ntained in the above caption. For an individual defendant, include check whether you are bringing this complaint against them in their ty, or both. Attach additional pages if needed. CHE BAILE LIEUTENANT FEDERAL BUREAU OF PRISONS 27072 BIALESTON Sto Co. Shericlan Oregon 91318 Zip Code Mindividual capacity Official capacity
Defendant No. 2 Name Job or Title (if known) Shield Number Employer Address	BRIAN WAGE OFFICER FEDERAL BUREAU OF DRISONS 27072 BALLSTON SW. Kd. Sheridan Oregon 97378 State Zip Code X Individual capacity Official capacity

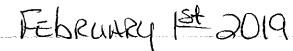
Case 3:20-cv-01967-SI Document 2 Filed 11/09/20 Page 3 of 13

Pro Se	14 (Rev. 12	16) Complaint for Violation of Civil Rights (Prisoner)
		Defendant No. 3 Name Job or Title (if known) Shield Number Employer Address Address DR. Andrew Grase Doctor Dector Sheld Bureau of Drisons Sheridan Oregon 97378 Sique Zip Code Xindividual capacity Official capacity
		Defendant No. 4 Name Job or Title (if known) Shield Number Employer Address Address Individual capacity Defendant No. 4 United States of AMERICA NAMERICA NAMERICA
II.	Basis	for Jurisdiction
	immu <i>Feder</i>	42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or nities secured by the Constitution and [federal laws]." Under Bivens v. Six Unknown Named Agents of all Bureau of Narcotics. 403 U.S. 388 (1971), you may sue federal officials for the violation of certain tutional rights. Are you bringing suit against (check all that apply): Tederal officials (a Bivens claim) And Federal Tope Claim (FTCH) Dupled.
		State or local officials (a § 1983 claim) Complaint § 1346(b)
	В.	Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]," 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
	C.	Plaintiffs suing under Bivens may only recover for the violation of certain constitutional rights. If you are suing under Bivens, what constitutional right(s) do you claim is/are being violated by federal officials? (I) UCO PATION OF THE Eighth AMENDMENTS PROHIBITION OF CRUEL AND UNUSUAL DUNISH MENT. ALL 3 DEFENDANTS (INDIVIDUAL CAPACITY) UNDER BIVENS. (3) NEgligence leading to injury mental, And Emotional
		clamages under the (FTCA) Against the United States of America.

Case 3:20-cv-01967-SI Document 2 Filed 11/09/20 Page 4 of 13

Se 14	(Rev. 12/1	6) Complaint for Violation of Civil Rights (Prisoner)
D.	D.	Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under <i>Bivens</i> , explain how each defendant acted under color of federal law. Attach additional pages if needed.
		NA
	Prison	er Status
	Indicat	e whether you are a prisoner or other confined person as follows (check all that apply):
		Pretrial detainee
		Civilly committed detainee
		Immigration detainee
		Convicted and sentenced state prisoner
	\boxtimes	Convicted and sentenced federal prisoner
		Other (explain)
;	Statem	ent of Claim
;	alleged further any ċas	briefly as possible the facts of your case. Describe how each defendant was personally involved in the wrongful action, along with the dates and locations of all relevant events. You may wish to include details such as the names of other persons involved in the events giving rise to your claims. Do not cite es or statutes. If more than one claim is asserted, number each claim and write a short and plain not of each claim in a separate paragraph. Attach additional pages if needed.
	A.	If the events giving rise to your claim arose outside an institution, describe where and when they arose
	В.	If the events giving rise to your claim arose in an institution, describe where and when they arose.
		Thould appliand Table (Should Door
		Federal Correctional Institution (Sheridan, Orego

C.	What date and	approximate	time did th	e events giving	g rise to :	your claim(s)	occur?
----	---------------	-------------	-------------	-----------------	-------------	---------------	--------

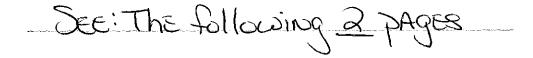


D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)



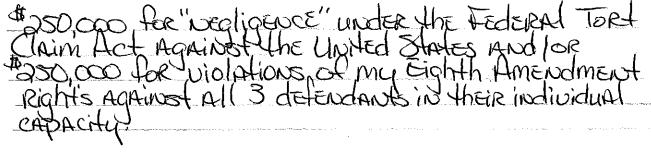
V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did not receive.



VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.



In January of 2018 I was placed in the SHU at FCI Sheridan with 4 other inmates for an assault of another inmate. In April of 2018 while still in the SHU I was interviewed by an FBI investigator and SIS officer Wade. They asked for my cooperation and I complied. I was assured by the 2 officers that any information I gave would be kept "confidential" and not appear in any paperwork. I expressed my concern that if my co-defendants find out I was cooperating I would be seriously hurt or killed by the Sureno 13 prison gang. I also told them that I was no longer a Sureno 13 gang member and should not have been placed on the yard in the first place. I was again assured my safety was not in jeopardy.

In August of 2018 I was returned back to FCI Sheridan after the court process. Upon my intake back to the prison I advised (SIS) Investigator Wade and (SIS) Lieutenant Bance that the information I gave them in confidence was shown to my codefendants in their "court discovery paperwork". I told them I could not go back to the general population because if the paperwork hit the yard I would be killed by the Sureno 13 gang because of my cooperation. Lieutenant Bance and SIS officer Wade both assured me that they would "intercept the paperwork" if an attempt was made to get into the prison. They then ordered me to go back to the general population or receive a disciplinary infraction and I would be safe on their yard. I complied with their orders and returned to general population.

On February 1st 2019 after (I returned to the general population) I was attacked and severely beaten by several Sureno 13 gang members after they received the court paperwork from one of my co-defendants that had successfully made it into the prison.

I suffered severe injuries to my face and nasal passage. I was taken to the prisons medical ward and placed under the care of Dr. Andrew Grasley. The Doctor downplayed my injuries and failed to transport me to a local hospital for x-rays and

emergency surgery despite the fact I was clearly disfigured with a deviated septum. I was bleeding and clearly had difficulty breathing. I also had a piece of nasal cartilage "literally fall out of my nose". I was then placed in a cell in the SHU and then transferred to a sensitive needs yard at FCI Butner in July 2019. I continued to suffer and on 11-29-2019 I was seen at the Otolaryngology Clinic at FMC Butner whom confirmed I had severe trauma requiring surgery for post traumatic nasal air-way obstruction (Functional Septorhinoplasty and Turbinoplasty). I have been suffering with difficulty breathing and post traumatic stress for 20 months now and have not been able to get surgery due to Covid-19. I also cannot wear a mask to protect myself from Covid-19 because it's to hard to breathe.

FCI Sheridan SIS Lieutenant Bance and SIS Investigator Wade failed to protect me after I advised them about the serious threat to my safety because my name and statement was revealed in court paperwork. The officers knew of the serious threat but disregarded it and ordered me to return to the general population where I was assaulted and suffered serious physical and mental injuries. The officers were negligent in their duties, were deliberately indifferent to my right to be free from cruel and unusual punishment under the Eighth Amendment and had a reckless disregard for my safety. Dr. Andrew Grasley failed to render adequate medical care and transport me for x-rays and emergency surgery causing me 20 months of pain, suffering, and difficulty breathing. Dr. Grasley violated my Eighth Amendment right to adequate medical care and he was negligent in his duties and deliberately indifferent to my serious medical need.

The named Defendants are liable under the "FTCA" for "Negligence" leading to severe injuries, pain, suffering, and mental stress. The named Defendants are also liable under "Bivens" for violation of my constitutional rights under the Eighth Amendment to be free from cruel and unusual punishment.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

events giving rise t	, prison, or other correctional facility where you were confined at the time of to your claim(s).
	FCI Sheridan Oregon
Does the jail, priso procedure?	n, or other correctional facility where your claim(s) arose have a grievance
Yes	
☐ No	
Do not know	
Does the grievance cover some or all o	procedure at the jail, prison, or other correctional facility where your claim(s) your claims?
X Yes	
☐ No	
Do not know	

D.	Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?
	Yes
	No No
	If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?
	X Yes
	□ No
E.	If you did file a grievance:
	1. Where did you file the grievance? I filed a grievance when I arrived At FCI Butwer. I also filed a FEDERAL TORT Claim. I fully EX-hausted the grievance procedures as well as the FEDERAL TORT Claim.
	2. What did you claim in your grievance? I was cooperating for the prisms investigAL FBI in court against Sur 13 gang members who assaulted an immate ALFCI Shericlan when I came back from court I advised Lieutenan Brance and Officer what that my cooperation came out in paperwork and they still made me go to General Population Resulting in my brutal assault / injuries.
	3. What was the result, if any? Diffederal Tort Claim was NEVER ANSWERED. Diffe Bop central office reffered my case to the inspector general (Appeal process was completed)
	4. What steps. if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to, the highest level of the grievance process.) Tort Claim And MI Administrative Remedies Fully Exhausted (This could has Jurisdiction)

Pro :	Se	14 (Rev.	12/16) Complain	nt for Violation	of Civil Rights	(Prisoner)

	F. If you did not file a grievance:						
	1. If there are any reasons why you did not file a grievance, state them here:						
NA							
 If you did not file a grievance but you did inform officials of your claim, state who you in when and how, and their response, if any: 							
		——————————————————————————————————————					
	G.	Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.					
		(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)					
VIII.	Previou	s Lawsuits					
	the filing brought maliciou	ree strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying g fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, as, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent of serious physical injury." 28 U.S.C. § 1915(g).					
	To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?						
	Yes						
	Mo						
	lf yes, st	ate which court dismissed your case, when this occurred, and attach a copy of the order if possible.					

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

ac	tion?
L	Yes
X	√ No
	your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If ore than one lawsuit, describe the additional lawsuits on another page, using the same format.
1.	Parties to the previous lawsuit
	Plaintiff(s)
	Defendant(s)
2.	Court (if federal court, name the district; if state court, name the county and State)
3.	Docket or index number
	N/H
4.	Name of Judge assigned to your case W/A
5.	Approximate date of filing lawsuit NA
6.	Is the case still pending?
	☐ Yes
	□ No
	If no, give the approximate date of disposition.
7.	What was the result of the case? (For example: Was the case dismissed? Was judgment en in your favor? Was the case appealed?)
	A \ / A

Case 3:20-cv-01967-SI Document 2 Filed 11/09/20 Page 12 of 13

Pro Se 14 (Rev. 12/16	i) Complaint for Violation of Civil Rights (Prisoner)
	Yes
	No No
D.	If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
	1. Parties to the previous lawsuit Plaintiff(s) Defendant(s)
	2. Court (if federal court, name the district; if state court, name the county and State)
	N/A
	3. Docket or index number WA
	4. Name of Judge assigned to your case
	5. Approximate date of filing lawsuit
	6. Is the case still pending?
	☐ No
	If no, give the approximate date of disposition
	7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
	NA

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

	Date of signing: /0	125/20		
	Signature of Plaintiff Printed Name of Plaintiff Prison Identification # Prison Address		ACENO RO Ed-L, P.D. Bo N.C. State	21000 27509 Zip Code
В.	For Attorneys			
	Date of signing:			
	Signature of Attorney Printed Name of Attorney Bar Number Name of Law Firm Address		/A	,
	Telephone Number E-mail Address	Ciŋ·	State	Zip Code